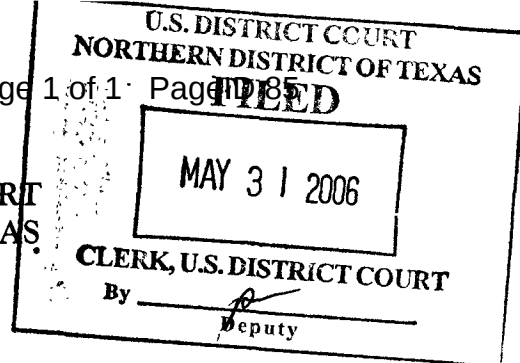


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



HERBERT PAUL DANIELS, ID # 773535,)

Petitioner,)

vs.)

No. 3:05-CV-2391-B

ECF

DOUGLAS DRETKE, Director,)

Texas Department of Criminal)

Justice, Correctional Institutions Division,)

Respondent.)

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, the Court DENIES petitioner's writ of mandamus (doc. 10) and DEEMS MOOT the application to proceed *in forma pauperis* received April 3, 2006, (doc. 9). By separate judgment, the Court will formally deny petitioner's federal petition for writ of habeas corpus consistent with the Findings, Conclusions, and Recommendation entered in this case.

SIGNED this 31st day of May, 2006.


UNITED STATES DISTRICT JUDGE